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PATENT
2091-0258P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kazuo SHIOTA
Norihisa HANEDA
Shigekazu FUKADA
Kazuhiko TAKEMURA

APPLICATION. NO.: 10/035,191
(Reissue of U.S. Patent No. 6,011,547)

FILING DATE: January 4, 2002
(Patent Issued: January 4, 2000)

FOR: METHOD AND APPARATUS FOR REPRODUCING
IMAGE FROM DATA OBTAINED BY DIGITAL
CAMERA AND DIGITAL CAMERA USED
THEREFOR

GROUP: 2773

EXAMINER: Sax, S.

COMBINED REISSUE DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare as follows:

That our respective names, residences and citizenship are as indicated below.

That we have reviewed and understand the contents of the attached application for reissue of U.S. Patent No. 6,011,547 entitled "METHOD AND APPARATUS FOR REPRODUCING IMAGE FROM DATA OBTAINED BY DIGITAL CAMERA AND DIGITAL CAMERA USED THEREFOR" (hereinafter "the original patent") including newly added claims 20-115.

That we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

That we verily believe that we are original, first, and joint inventors of the invention described and claimed in both the original patent and in the above-mentioned application for reissue of the original patent.

That we do not know and do not believe that the same invention was:

ever known or used before our invention or discovery thereof;

patented or described in any printed publication in any country before our invention or discovery thereof, or more than one (1) year prior to the filing of U.S. Application No. 08/956,033, the patent application which matured into the original patent (hereinafter "the original patent application");

in public use or on sale in the United States of America for more than one (1) year prior to the filing of the original patent application;

patented or made the subject of an inventor's certificate issued before the filing of the original patent application in any country foreign to the United States of America on an application filed by us or our legal representatives or assignees more than twelve (12) months prior to filing of the original patent application and that no application for patent or inventor's certificate have been filed by me or my legal representatives or assignees in any country foreign to the United States of America before the filing of U.S. applications resulting in the issuance of U.S. Patent No. 6,011,547, other than as follows:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>
Japan	279205	10/22/96
Japan	82897	4/01/97

That we verily believe that the original patent is at least partially inoperative by claiming more or less than we had a right to claim in the original patent.

That while we recognized the importance of the aspects of the invention disclosed in the original patent, we did not fully understand the scope of the claims under U.S. law, and thus, when the original application was prepared, we failed to recognize that the disclosed invention was not fully covered by the original claims.

For example, in claim 1, the original claim recites, *inter alia*, "an image reproducing method comprising: carrying out image processing of the image file for enhancing a picture quality of the digital image data having been stored in the storage medium by using the stored recording information to determine an optimal image processing condition; and reproducing the digital image data on which the image processing has been carried out based on the optimal image processing condition."

The corresponding new claim 20 removes "having been stored in the storage medium by using the stored recording information to determine an optimal image processing condition" from the processing element and further removes the reproducing element of the original claim, thereby reciting an invention less restrictive than that embodied in the originally granted claims.

That this inadequacy in claiming the invention was at least partly due to the presence of numerous features in the disclosed embodiment(s) of our invention, and the incomplete consideration of how to broadly recite aspects of our invention.

That because we did not fully understand patent claiming, we accordingly did not adequately advise our U.S. patent counsel, and accordingly, they did not fully recognize the various aspects of the invention that we were entitled to claim.

That because we did not fully appreciate the process of claiming according to U.S. practice, we did not realize that we had claimed more or less than we were entitled to claim.

That when we executed the Declaration of the original application, we reviewed the application carefully for accuracy, but did not recognize the various degrees of specificity with which aspects of an invention can be claimed or that such aspects could be claimed alone.

That it was not until after the original patent issued that we discovered that the originally-presented claims did not adequately define our invention because they were more specific than needed.

That for this reason, there was an error in the original patent claims which rendered the original patent partially inoperative by failure to adequately claim our invention to the fullest extent possible.

That in accordance with the foregoing, the claims in the original patent fail to claim the subject matter recited in new claims 20-115, and thus, in error, the claims of the original patent cover less subject matter than we were entitled to claim.

That the foregoing is not an exhaustive detailing of all errors present in the original patent, but does reflect some of the errors.

That the errors corrected in this application for reissue, up to the time of filing this declaration, arose without any deceptive intent on our part.

With the consent of the present assignee, we hereby offer to surrender the original grant of the original patent.

We hereby appoint the practitioners at **CUSTOMER NO. 2292**, with full power of substitute and revocation, as our attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary and request that all correspondence with respect to this application be directed to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP or
CUSTOMER NO. 2292**

P.O. Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

WHEREFORE, we do hereby petition for reissue of the original patent for the invention as set forth in the patent claims in this application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize validity of the application or any reissue patent issuing thereon.



2091-0258P

Name: Kazuo SHIOTA

Signature: Kazuo Shiota

Date: May 27, 2002

Residence: c/o Fuji Photo Film Co., Ltd.
798 Miyanodai, Kaisei-machi,
Ashigarakami-gun,
Kanagawa-ken, JAPAN

Citizenship: Japan

Name: Norihisa HANEDA

Signature: Norihisa Haneda

Date: May 27, 2002

Residence: c/o Fuji Photo Film Co., Ltd.
798 Miyanodai, Kaisei-machi,
Ashigarakami-gun,
Kanagawa-ken, JAPAN

Citizenship: Japan

Name: Shigekazu FUKADA

Signature: Shigekazu Fukada

Date: May 27, 2002

Residence: c/o Fuji Photo Film Co., Ltd.
798 Miyanodai, Kaisei-machi,
Ashigarakami-gun,
Kanagawa-ken, JAPAN

Citizenship: Japan

Name: Kazuhiko TAKEMURA

Signature:

Kazuhiko Takemura

Date:

May 27, 2002

Residence:

c/o Fuji Photo Film Co., Ltd.
798 Miyanodai, Kaisei-machi,
Ashigarakami-gun,
Kanagawa-ken, JAPAN

Citizenship: Japan



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APPLICANTS: Kazuo SHIOTA
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APPLICATION. NO.: 10/035,191
(Reissue of U.S. Patent No. 6,011,547)

FILING DATE: January 4, 2002
(Patent Issued: January 4, 2000)

FOR: METHOD AND APPARATUS FOR REPRODUCING
IMAGE FROM DATA OBTAINED BY DIGITAL
CAMERA AND DIGITAL CAMERA USED THEREFOR

ASSENT OF ASSIGNEE TO REISSUE PATENT NO. 6,011,547

The undersigned, assignee of the entire interest of U.S. Patent No. 6,011,547 by virtue of an Assignment duly recorded in the Assignment Records of the U.S. Patent and Trademark Office on October 22, 1997, at Reel 8866, Frame(s) 0324, hereby assents to the accompanying reissue application, including offering to surrender the subject patent.

FUJI PHOTO FILM CO., LTD.

Dated: May 27,
2002

Signed: Tatsushi Murakami

Name: Tatsushi Murakami

Title: Senior Operations Manager

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 27, 2002

Date

Tatsushi Murakami

Signature

Tatsushi Murakami

Typed or printed name

Senior Operations Manager

Title

(Rev. 01/22/01)

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BOX MISSING PARTS
PATENT
2091-0258P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Kazuo SHIOTA et al. Conf.: Unknown
Appl. No.: 10/035,191 - Reissue Group: 2773
Of U.S. Patent 6,011,547
Filed: January 4, 2002 Examiner: S. SAX
For: METHOD AND APPARATUS FOR REPRODUCING
IMAGE FROM DATA OBTAINED BY DIGITAL
CAMERA AND DIGITAL CAMERA USED THEREFOR



THIS IS NOT A NEW PATENT APPLICATION
LETTER SUBMITTING DOCUMENTS
FOR COMPLETION OF A REISSUE APPLICATION
PURSUANT TO 37 C.F.R. § 1.53(f)

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

July 8, 2002

Sir:

The application papers for the above-identified application were originally filed on January 4, 2002 and the application was assigned Appl. No. 10/035,191.

☐ A copy of the Notice to File Missing Parts of Reissue Application, which was mailed on , is enclosed.

DECLARATION OR OATH

- ☒ Attached hereto is the executed Declaration or Oath (☐ original ☒ photocopy), necessary for completing the filing requirements in connection with this application.
- ☐ Attached hereto is the executed Declaration or Oath that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on

07/10/2002 SDENB081 00000042 10035191

01 FC:105

130.00 DP

January 4, 2002, including any amendments thereto (if applicable) filed on even date therewith.

- ☒ The undersigned hereby declares that "Attorney Docket No. 2091-0258P on page 1 of the executed Declaration or Oath, filed on July 8, 2002, corresponds to Reissue Appl. No. 10/035,191, filed January 4, 2002, entitled "METHOD AND APPARATUS FOR REPRODUCING IMAGE FROM DATA OBTAINED BY DIGITAL CAMERA AND DIGITAL CAMERA USED THEREFOR."
- ☐ The Declaration or Oath previously filed was determined to be defective. A new executed Declaration or Oath (☐ original ☐ photocopy) is attached.

SMALL ENTITY STATUS

- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27

ADDITIONAL PAPERS

- ☒ Assent of Assignee/Statement under 37 C.F.R. § 3.73(b) establishing ownership of patent. (photocopy)
- ☐ Offer to surrender patent (by ☐ Inventor(s) ☐ Assignee).
- ☐ Return of original patent.
- ☐ Affidavit that the original patent lost or inaccessible.
- ☐ Assignment document(s) submitted **under separate cover** for recording.
- ☒ Certificate Showing Chain of Title. (photocopy)
- ☐ _____

FEES

- ☐ FILING FEE
- ☐ original reissue patent application - \$0.00.
- ☐ CLAIM FEES
- ☐ Independent claims in excess of number of independent claims in original patent - \$0.00
- ☐ Each claim in excess of number of claims in original

patent - \$0.00.

☐ Multiple dependent claims - \$0.00

☒ SURCHARGE FEES

☒ Late filing of executed Declaration or Oath; late filing Assent of Assignee/Assignee Statement under 37 C.F.R. § 1.73(b); and/or late payment of filing fee.

☒ Large Entity - \$130.00; ☐ Small Entity - \$ 65.00)

☐ OTHER FEES

☐ \$0.00 -

☐ \$0.00 -

☐ \$0.00 -

☒ EXTENSION OF TIME

☒ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant hereby respectfully petitions for a () month(s) extension of time for the filing of the present paper(s) in accordance with the provisions of 37 C.F.R. §1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto. If an additional extension of time is required, please consider this a petition therefore.

☐ An extension for () month(s) extension of time for the filing of the present paper(s) in accordance with the provisions of 37 C.F.R. §1.136 and 37 C.F.R. § 1.17 has already been secured. The required fee of \$0.00 is attached hereto. If an additional extension of time is required, please consider this a petition therefore.

- ☐ An extension of () month(s) for the filing of the present paper(s) was previously requested and a fee of \$0.00 paid for on . Thus, an additional fee of \$0.00 is required to obtain an additional () month(s) extension for filing the present paper(s). If an additional extension of time is required, please consider this a petition therefore.

PAYMENT OF FEES

- ☒ Check(s) in the amount of \$130.00 to cover the basic filing fee(s), claim fee(s) surcharge fee(s), extension of time fee(s), and any additional fee(s) (if applicable) is/are enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Michael K. Mutter, #29,680

MKM/CMV/jdm
2091-0258P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments